

TWENTY-SEVENTH DAY

(Thursday, February 21, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
February 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 48, A bill to be entitled "An Act providing for fixing the compensation of judges of district courts in districts consisting of three or more counties; providing the manner of payment; establishing a limitation of amount of such compensation; providing for the validity of the remaining portion of Act if any part declared unconstitutional; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives
(Senator Aikin in Chair.)

Reports of Standing Committee

Senator Weinert submitted the following reports:

Austin, Texas,
February 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 216, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 270, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 20, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute therefor, attached hereto, do pass in lieu thereof, and be printed.

WEINERT, Chairman.

C. S. S. B. No. 20 was read the first time.

Austin, Texas,
February 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 219, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
February 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 206, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 53, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 53 was read the first time.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Fly:

S. B. No. 272, A bill to be entitled "An Act to amend Section 390 of the Texas Probate Code (Acts 1955, 54th Legislature, Chapter 55) relating to investments by guardians in insurance and annuity contracts, and declaring an emergency."

To the Committee on Insurance.

By Senator Fly:

S. B. No. 273, A bill to be entitled "An Act (amending the Insurance Code of Texas, Acts 1951, Fifty-second Legislature, Chapter 21, by adding a new article thereto) to provide that minors not less than ten years may contract for and otherwise acquire policies of life, term or endowment insurance, or annuity contracts, and exercise all right and powers and give valid acquittance thereunder notwithstanding their minority and as though of full legal age; providing for conditions and limitations with respect to the operation of the Act; repealing all laws and parts of laws

in conflict and to the extent of such conflict; and declaring an emergency."

To the Committee on Insurance.

By Senator Fly:

S. B. No. 274, A bill to be entitled "An Act amending subparagraph (c) of paragraph (1) of Section 1, Article 3.50, subchapter E, of Senate Bill No. 236, Chapter 491, Acts of the Fifty-second Legislature, Regular Session, 1951, to permit the issuance of group life insurance covering not less than ten employees under a master policy issued to an employer or to the trustees of a fund established by an employer; and declaring an emergency."

To the Committee on Insurance.

By Senator Weinert:

S. B. No. 275, A bill to be entitled "An Act amending Senate Bill No. 97, Chapter 55, Acts of the Fifty-fourth Legislature, Regular Session, 1955, so as to clarify and make more certain the laws pertaining to contents, issuance, service, and return of writs, notices, and citations in probate proceedings; to define more clearly the laws applicable to independent executors; to clarify and define the laws pertaining to appointment of non-resident guardians, and domestic guardians of non-residents; amending and clarifying the laws relating to the handling of small estates; to clarify the rights of the competent spouse of an incompetent spouse with respect to community property; to amend and revise laws pertaining to the amount of bonds to be given by personal representatives who are required to give bonds, determining penalties, reducing or raising penalties of such bonds, defining qualifications of sureties and the methods by which bonds may be secured, making such regulations applicable in sales and other matters affecting property of estates; more clearly defining the powers, duties, and obligations of guardians appointed to receive and disburse government funds, and validating acts of such guardians in conformance with orders of court; to amend and revise laws pertaining to the compensation of personal representatives; to amend and revise laws relating to fees of court appointed appraisers in probate matters; more clearly defining the character of drilling operations required to extend the primary term of a mineral lease, the provisions relating to a lease at private sale, and the execu-

tion of collateral instruments without court order; amending, revising, rearranging, and clarifying the laws pertaining to the filing, contents, proof, and examination of annual accounts, the penalty for failure to file an annual account, and action of the court thereon; containing a severability clause; repealing Section 219 of said Chapter 55; and declaring an emergency."

To the Committee on Jurisprudence.

(President in Chair.)

By Senator Willis:

S. B. No. 276, A bill to be entitled "An Act amending Section 3 of Chapter 428, Acts of the 51st Legislature, 1949, Regular Session, as amended, codified in Vernon's as Section 3 of Article 8309c, Vernon's Civil Statutes, so as to make the provisions of Article 8309c relating to Workmen's Compensation for county employees mandatory for counties having a population in excess of three hundred fifty thousand (350,000) inhabitants under certain conditions; providing a severability clause and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Secrest:

S. B. No. 277, A bill to be entitled "An Act amending House Bill No. 611, Chapter 562, Page 914, Acts of the 47th Legislature, Regular Session, 1941, being Article 695c, Vernon's Annotated Civil Statutes, by adding a new Section to be known as Section 4-A so as to authorize the superintendents of children's institutions under the supervision and management of the State Department of Public Welfare to receive funds on behalf of children in said institutions and to expend the same on behalf of the individual child for whom the money is received; providing safeguards for the handling of such funds; providing a repealing clause, a saving clause, and declaring an emergency."

To the Committee on State Affairs.

By Senator Secrest:

S. B. No. 278, A bill to be entitled "An Act authorizing the State Department of Health to provide Planning Assistance for Municipalities of 25,000 population or less and to accept grants therefor under the provisions of the Federal Housing Act

of 1954 or from other sources; and declaring an emergency."

To the Committee on Public Health.

Senate Resolution 156

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery the 5th grade class of Wooldridge School in Austin, Texas, accompanied by Mrs. Elsie Cullers and Miss Rita Cook, their sponsors; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to their class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and their sponsors to the Members of the Senate.

Senate Resolution 157

Senator Fuller offered the following resolution:

Whereas, On the 14th day of March, 1932, The Chronicle of Port Neches, Texas, published its first edition. Its editor, O. J. "Red" Wilkerson, has been associated with The Chronicle since the day it was established; and

Whereas, During the past 25 years The Chronicle has been a potent force in bringing about desired civic improvements in Port Neches and the surrounding area; it has been fair and impartial in enlightening the public and has helped to build success for the community and its people by keeping them informed; and it wages a continual battle to keep the people free, as it aids them to have a better way of life; and

Whereas, Through its editorials, The Chronicle has called attention to the needs of the community, offered constructive suggestions for improved

city and county services, condemned faults which it felt could be corrected, and informed the people of political situations. Never has it been known to be radical in its views; and always it has conformed to middle-of-the-road policies, editorially; and

Whereas, It has, to the fullest extent, realized its responsibilities and fought shoulder to shoulder with the leaders of that area in building a better community, state, nation and world. It has never ceased to stand up courageously, at the risk of opposition of public opinion, to what it thought to be right and wage a fight in behalf of the freedom of the people and a higher standard of living; and

Whereas, Freedom of the press means the right to agree or disagree among all things, and all Americans believe that better living means being able to censure or praise as one sees fit, without fear of recrimination; The Chronicle has solidified that right through the years; now therefore, be it

Resolved, By the Senate of Texas, that congratulations should be extended to The Chronicle of Port Neches, Texas, on its Silver Anniversary for its 25 years of worthwhile service to the people of that area and to the State as a whole; and be it further

Resolved, That the Senate of Texas pay its respect and extend praise to The Chronicle's competent and fair-minded editor, O. J. "Red" Wilkerson, for his fine work with this paper during these 25 years, and that a copy of this Resolution be sent to Mr. Wilkerson and his associates to commemorate the occasion of this 25th Anniversary.

The resolution was read and was adopted.

Senate Bills 73 and 74 Re-referred

On motion of Senator Lane and by unanimous consent S. B. Nos. 73 and 74 were withdrawn from the Committee on Oil and Gas and re-referred to the Committee on Jurisprudence.

House Bill and Resolutions on First Reading

The following bill and resolutions received from the House were read first time and referred to the committees indicated:

H. J. R. No. 3, To the Committee on Constitutional Amendments.

H. J. R. No. 2, To the Committee on Constitutional Amendments.

H. C. R. No. 33, To the Committee on State Affairs.

H. B. No. 48, To the Committee on Legislative, Congressional and Judicial Districts.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
February 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 248, A bill to be entitled "An Act amending subsections (a), (b), and (h), of Section 2, and Section 9, and Section 21 of Chapter 147, Acts 1949, 51st Legislature, Regular Session, creating the port of Beaumont Navigation District of Jefferson County, Texas, so as to clarify and make more certain the rights, powers, privileges, functions and authority of said district to acquire, construct, operate, and maintain facilities or aids consistent to or necessary to the operation or development of ports or waterways within the district, and to make more certain that any obligation incurred payable from taxation shall be submitted to a vote of the qualified electorate; and to provide for the election of five port commissioners whose terms shall be staggered and shall be for a period of four years; and to make clear that all general and special laws applicable to navigation districts created pursuant to Section 29, Article 16, of the Constitution, except as expressly limited by the Act creating the port of Beaumont Navigation District, shall apply to said district; providing a savings clause; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Concurrent Resolution 18 on Second Reading

Senator Parkhouse moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be sus-

pending and that H. C. R. No. 18 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	

Absent

Martin	Roberts
Owen	Wood

The President laid before the Sen-

ate on its second reading the following resolution:

H. C. R. No. 18, Granting Coca-Cola Bottling Company permission to sue the State of Texas.

The resolution was read the second time and was adopted.

House Bill on First Reading

The following bill received from the House today was read first time and referred to the committee indicated:

H. B. No. 248, To the Committee on Counties, Cities and Towns.

Adjournment

On motion of Senator Hardeman the Senate at 11:00 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, February 25, 1957.

Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

In Memory of Honorable Sol Mayer

Senator Hardeman offered the following resolution:

(Senate Resolution No. 154)

Whereas, with the passing of Honorable Sol Mayer, of San Angelo, the State of Texas and, particularly, West Texas, has lost one of her most influential and patriotic citizens; and

Whereas, During his long and active life of eighty-eight years, he made untold contributions to the State, area and projects he loved and served so well, as citizen, ranchman, banker and philanthropist; and

Whereas, At the age of ten years with his schooling ended, he removed with his family from San Antonio, where he was born January 18, 1869, to Ft. McKavett in Menard County where his father engaged in the general mercantile business, while his son began ranch work in which he soon excelled. Mr. Mayer struck out on his own in 1885 with a horse, saddle and eighty cents in his pocket and returned to his father's house a few months later riding his horse, leading five others and with \$1.50 in his pocket; and

Whereas, Following about five years assisting his father in the mercantile business, he leased his first land in what later became Schleicher County, engaging in ranching, a business in which he continued until his death. As a young rancher he frequently handled and drove cattle into Indian Territory from which he jokingly related that he made \$20,000.00 from this work divided as being \$10,000.00 in experience and \$10,000.00 in fun; and

Whereas, at the age of twenty-six, Sol Mayer was the largest handler of livestock in West Texas, oftentimes running many thousands of cattle in addition to several thousand sheep. His ability and his energy led him into other ventures such as assisting in building the first telephone line into Schleicher County—a county which he helped to organize; the construction of a railroad from Pecos to Balmorhea, along with the development of a vast irrigation project of some 11,000 acres in the Madera Valley, and subsequently entered the banking business and other financial institutions; and

Whereas, During his long and eventful career he served first as director of the San Angelo National Bank from 1896 to 1910 when he removed to Denver, Colorado. Upon his return to San Angelo in 1931 he again became a director of the San Angelo National Bank and also served as its President until his resignation in 1947. Mr. Mayer also assisted in the organization of the First National Bank of Eldorado, Texas, the Ozona National Bank of Ozona, Texas, and the Security State Bank of Pecos, Texas, of which last institution he was chosen its President upon its organization in 1924 and was re-elected thirty-four times with never a vote being cast against him and from which position he resigned only a week before his passing; and

Whereas, He served as an officer of numerous organizations and institutions such as the National Wool Marketing Corporation, the Val Verde Land and Cattle Company, the Mount Castle Land and Irrigation Company, the Finance Credit Corporation, the Texas Livestock Marketing Association, the Texas and Southwestern Cattle Raisers Association and the Texas Sheep and Goat Raisers Association; and

Whereas, Notwithstanding his business and ranching interests which latter business extended to several West Texas counties including Schleicher, Sutton, Edwards, Jeff Davis and Pecos with the best known ranch being the T Half Circle in Sutton and Schleicher Counties, he and Mrs. Mayer, the former Ernestine Elizabeth Somers whom he married in 1904 in Milwaukee, Wisconsin, made numerous contributions to youth and educational projects, such as the Boy Scouts to which they gave a three hundred acre camp site on the San Saba River in Menard County known as Camp Sol Mayer, and at which hundreds of boys spend much of their summer vacations; the West Texas Boys Ranch at Tankersley, near San Angelo, the Community Gymnasium at San Angelo, the San Angelo Junior College for which they erected Sol Mayer Hall as a dormitory for boys and the Tom Green County Library building was made possible with a contribution in 1937 of \$35,000.00 by Mrs. Mayer, followed by an additional gift by Mrs. Mayer in 1956 of \$63,000.00 for the construction of a children's wing thereon; and

Whereas, Mr. Mayer was an active member of the Christian Science Church and the Knights of Pythias; and

Whereas, he is survived by his wife of San Angelo; one son, Edwin, of Sonora, Texas, several grandchildren, great grandchildren, nieces and nephews; and

Whereas, it is the desire of the Senate to acknowledge the achievements and benefactions of this distinguished West Texan and to express its sympathy to the bereaved family, Now, therefore, be it

Resolved by the Senate of Texas, That we hereby acknowledge the achievements and benefactions of this distinguished son of Texas and hereby express its sympathy to the bereaved family of Mr. Mayer; and be it further

Resolved, That copies of this Resolution, under the seal of the Senate, be mailed to his surviving wife and son.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of

Dan Douglass

Senator Willis offered the following resolution:

(Senate Resolution 155)

Whereas, A bright young life was brought to a sudden end on September 9, 1956, when Dan Douglass, a member of the Polytechnic High School football team, died two days after collapsing during his participation in a game at Cleburne; and

Whereas, It is always exceedingly sad to learn of the loss of a youth whose promise of future accomplishments has been forever stilled; and

Whereas, Dan Douglass was born in Breckenridge on November 5, 1939, and is survived by his father, twin sister, uncles and aunts; now, therefore, be it

Resolved, By the Senate of the Fifty-fifth Legislature of Texas that the members of the Senate express their sorrow at this untimely loss of an outstanding young Texan; and be it further

Resolved, That the sympathy of the Senate be extended to the family of Dan Douglass and that copies of this resolution be sent to his father, R. A. Douglass, Abilene; his sister, Nancy Ann Douglass; his uncle and aunt with whom he and his sister lived in Fort Worth while attending school, Mr. and Mrs. Oscar W. Williams, Jr.; and to his uncles, John E. Douglass of Breckenridge and Matt Harrington of Big Spring.

The resolution was read and was adopted by a rising vote of the Senate.